

Book

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
DOCKET NO. DRB 99-451

IN THE MATTER OF :
: ISABELLE STRAUSS, :
: AN ATTORNEY AT LAW :
:

Decision

Argued: March 16, 2000

Decided: May 22, 2000

James F. Keegan appeared on behalf of the District VB Ethics Committee.

Robert L. Martin appeared on behalf of respondent.

To the Honorable Chief Justice and Associate Justices of the Supreme Court of New Jersey.

This matter, stemming from respondent's handling of a personal injury matter, was before us pursuant to R.1:20-6(c)(1). Respondent admitted the allegations of the complaint, specifically, that she had violated RPC 1.1(a) and RPC 1.3. After respondent filed an answer admitting her misconduct, the presenter and respondent's counsel sought to proceed by way of discipline by consent. That process was, however, unavailable to them because of the time limitations under R.1:20-10(b). The parties then opted to proceed on the pleadings under R.1:20-6(c)(1). That rule states that a hearing shall be held before a District Ethics Committee (DEC) panel only if the pleadings raise an issue of material fact, the respondent

wants to be heard in mitigation or the presenter wants to be heard in aggravation. None of these factors were present here.

Respondent was admitted to the New Jersey bar in 1976. She practices law in West Orange, Essex County. She has no history of discipline.

On an undisclosed date, the New York law firm of Wolf & Hoffman instituted a suit in New York on behalf of five individuals involved in an accident on August 1, 1985. Those individuals were Evangela Richardson, Katreal Jefferson, Yolanda Scott, Laverne Jefferson Edmonds and Sharon Jefferson. In July 1998, the New York court dismissed the action, on the condition that the defendants agree to accept service in New Jersey within a specific time frame. On or about November 6, 1991, Wolf & Hoffman sent the personal injury files to respondent, who presumably agreed, at first, to represent all plaintiffs. In reviewing the files, however, respondent noticed that the claims of Laverne Jefferson Edmonds and Sharon Jefferson had been barred by the applicable statute of limitations and by the 1998 New York court order. Another problem was that the injury suffered by Katreal Jefferson and Yolanda Scott did not appear to meet the then-applicable tort threshold.

In at least one case — if not in four of the five matters — respondent did not inform the individual that she would not be pursuing her claim. Indeed, over the next seven years, Laverne Jefferson Edmonds — or her husband, in her behalf — attempted to obtain information about the status of all five matters, to no avail. Respondent did not comply with the Edmondses' requests for information.

As to the fifth individual, Evangela Richardson — a minor and the only person respondent acknowledged representing — from November 1991 to March 1999, respondent did little or no work in her behalf. In March 1999, all the files were transferred to another attorney, presumably at the request of all five individuals. Thereafter, respondent entered into a settlement with the claimants, paying \$1,500 each to Yolanda Scott and Sharon Jefferson, and \$3,500 to Laverne Jefferson Edmonds.

The complaint charged respondent with violations of RPC 1.1(a) and RPC 1.3.

* * *

Upon a de novo review of the record, we are satisfied that there is clear and convincing evidence that respondent violated RPC 1.1(a) and RPC 1.3. In addition, although a violation of RPC 1.4 (failure to keep a client reasonably informed about the status of a matter) was not charged, the language of the complaint put respondent on notice of a possible violation of that RPC. Specifically, the complaint refers to respondent's failure "to keep her clients adequately and accurately informed." The record contains sufficient evidence to support that allegation. Indeed, respondent did not reply to the Edmondses' request for information about all five matters and did not inform four of the five individuals that, because of perceived problems with their cases, she would not be advancing their claims. Thus, in addition to the admitted violations of RPC 1.1(a) and RPC 1.3, we also find a violation of RPC 1.4(a). In re Logan, 70 N.J. 222 (1976).

Until now, respondent has had an unblemished career of twenty-three years. There are no pending matters against her. It seems that this conduct was an aberration for an otherwise responsible practitioner.

On the other hand, the length of time that respondent neglected the case and the extent of her failure to communicate with her client (seven years in both instances) was extensive. The record does not disclose why respondent did not pursue Evangela Richardson's claim and why she did not make clear to the other parties that she was not representing them. It is difficult to understand why, at a minimum, respondent did not advise the individuals whose claims were time-barred when she received their files, that she would not be pursuing their cases. Whatever the reason, respondent allowed five people to believe for over seven years that she was advancing their claims. Furthermore, even though Evangela Richardson was a minor and had an undisclosed number of years in which to file her claim, respondent had an obligation to make certain that Richardson had the appropriate medical records and other evidence to support her claim after it was filed.

Under these circumstances, a five-member majority determined to impose a reprimand. See In re Gavin, 153 N.J. 356 (1998) (reprimand imposed where an attorney grossly neglected a personal injury matter, resulting in the running of the statute of limitations. The attorney also failed to communicate with his client) and In re Eastmond, 152 N.J. 435 (1998) (reprimand imposed where an attorney grossly neglected a medical malpractice matter, demonstrated a lack of diligence and made a misrepresentation to his

client). Three members would have imposed an admonition. One member did not participate.

The Board further required respondent to reimburse the Disciplinary Oversight Committee for administrative expenses.

Dated: 5/22/00

By [Signature]

LEE M. HYMERLING
CHAIR
DISCIPLINARY REVIEW BOARD

SUPREME COURT OF NEW JERSEY

**DISCIPLINARY REVIEW BOARD
VOTING RECORD**

**In the Matter of Isabelle R. Strauss
Docket No. DRB 99-451**

Argued: March 16, 2000

Decided: May 22, 2000

Disposition: Reprimand

Members	Disbar	Suspension	Reprimand	Admonition	Dismiss	Disqualified	Did not Participate
Hymerling			X				
Peterson			X				
Brody			X				
Boylan				X			
Lolla			X				
Maudsley				X			
O'Shaughnessy							X
Schwartz			X				
Wissinger				X			
Total:			5	3			1

By Isabel Strauss 6/14/00
Robyn M. Hill
Chief Counsel